

# Weinstein International Fellowship Finds and Supports the Hidden Heroes of ADR

**N**apa Valley recently played host to a group of individuals who hold the keys to resolving some of the world's most complex, even violent, conflicts. Yet until only recently, most were laboring in relative obscurity in their own countries, cut off from those doing similar work elsewhere.

These individuals are alternative dispute resolution (ADR) practitioners who can be found all over the world, both in countries with established legal systems and in those countries transitioning to a rule of law. ADR practitioners have become critical to the smooth functioning of many judicial systems and can play a role in providing access to justice in impacted countries. They provide an alternative to violence for disputes that could otherwise lead to or extend war, and are also key to resolving business matters that would ordinarily disrupt commerce. These ADR practitioners are active across the globe doing innovative work, sometimes at great personal cost.

Despite this important mission, there has not been an easy way for many international ADR practitioners to receive training and support. Most would welcome the opportunity to make connections with others, but have no financial means to do so. And there is almost no funding available to help them.

This situation prompted Judge Daniel Weinstein and the JAMS Foundation to act. A retired California judge and one of the founders of the leading international ADR provider JAMS, The Resolution Experts, Weinstein feared the global community risked losing the opportunity to benefit from individuals who clearly have the passion and the ability to resolve conflicts with far-reaching implications.

"All around the world there were these hidden heroes and heroines making a direct impact on conflict resolu-

tion in their countries, but they lacked adequate support," Weinstein said. "It amazed me that, in a field as prominent as ours, there were so few resources available to these colleagues, who are the future of ADR."

Weinstein and Jay Folberg, executive director of the JAMS Foundation, took the matter into their own hands. In 2008, Weinstein made a sizable donation to the JAMS Foundation to create a program that would support ADR practitioners doing vital work around the world. The result was the Weinstein International Fellowship.

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**"The purpose of the Fellowship is to search out these unknown stars of conflict resolution in various countries, develop their skills and give them assistance. They then return to their countries and continue their work, which has been enhanced by new knowledge and the opportunity to interact with leaders in the field."**

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— Judge Daniel Weinstein (Ret.)

So far, 16 ADR practitioners from countries as disparate as Ireland, Ecuador, Nepal and Ethiopia have either completed the program or are beginning their Fellowship. They are given up to \$25,000 to come to the U.S., learn more about dispute resolution processes, and pursue a project of their

own design that advances conflict resolution in their own countries. Some will be based in a JAMS Resolution Center while others will participate in a university program or be connected to another organization, depending on the nature of their proposal. Fellowships last from one month to one year.

But before the Weinstein Fellows are dispatched to the far corners of the U.S. to pursue their individual programs, they attend a mandatory networking weekend at the Weinstein Mediation Center in Napa Valley.

"This is an opportunity for the Fellows to not only meet their colleagues, but develop professional and personal connections with others in the profession," Weinstein said. "It adds significantly to their experience and provides a level of collegiality they haven't had despite years of work. We benefit as well, as it is truly remarkable to see the group together and we get to see, in person, the future of ADR."

For Nicola White, a Fellow from Ireland participating in this year's program, the personal connections made in Napa and the program itself have been significant.

"Without a doubt, the most valuable aspect of the program is the amazing people I have met through the Fellowship," White said. "The time in Napa was an insightful weekend to meet the other Fellows and learn of the work they were doing in ADR in their home countries and their plans for the future. I have also met inspiring mentors and shadowed some of the best mediators in the world."

White serves as the legal expert on ADR for the Law Reform Commission of Ireland. She is also involved in legislative efforts regarding ADR, drafting the first Mediation and Conciliation Bill for Ireland and oversees a masters-level university program in dispute resolution.



**The 2010 Weinstein International Fellows Class at the Weinstein Mediation Center in Napa Valley in September. From left: Ralph Zulman (South Africa), Hagit Shaked-Gvili (Israel), Lilian Vargas (Argentina), Nicola White (Ireland), Judge Daniel Weinstein (JAMS Foundation), Aminu Gamawa (Nigeria), Fraser Sampson (United Kingdom), Jay Folberg (JAMS Foundation), Tilahun Retta (Ethiopia) and Galyna Yeromenko (Ukraine).**

Though just beginning her Fellowship, White has already seen practical benefits of her work.

"The Fellowship will give me the opportunity to go back to Ireland and play a further role in the development of dispute resolution there," she said. "It has also helped shape my interest in the teaching of ADR in Ireland and how it should be incorporated into undergraduate and postgraduate legal education. When I return to Ireland, I will also be involved in establishing dispute resolution centers in Dublin and Belfast."

For those who have completed their Fellowship, the program has been an essential next step in the evolution of their work.

"I always knew that if I really wanted to learn and practice mediation I needed to go to the United States, where the

techniques were developed and it is actually used," said Ximena Bustamante, a lawyer from Ecuador who, since law school, has been working to bring ADR practices to her country. "To further my work, I wanted to pursue an L.L.M. at Pepperdine University. That is an expensive dream for an Ecuadorian. Through my Weinstein Fellowship, I was able to realize that dream."

Having completed her Fellowship, Bustamante is now enrolled at Pepperdine and still actively promotes ADR in Ecuador.

"The JAMS Foundation is funding a Mediators Beyond Borders project in Ecuador that will support the development of mediation, and I am working on that," Bustamante said. "It will have a positive impact on our legal system. I foresee it to be an immense driver of

ADR in Ecuador, probably the next best thing after the enactment of the 1997 statute, which brought mediation and arbitration law to Ecuador."

Both Bustamante and White agree that without the Weinstein Fellowship, their own work and the development of ADR in their respective countries would not be moving ahead as easily. They credit the program not only with providing the financial support they needed, but professional connections and experience they would not have secured any other way.

And that was Weinstein and Folberg's goal from the beginning.

"Our aim was to find these individuals, support them, and then get out of their way. They know what needs to be done. All they need is the chance to do it." ■

**For more information about the Weinstein International Fellowship, please visit [www.jamsadr.com/weinstein-fellowship/](http://www.jamsadr.com/weinstein-fellowship/)**